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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/786,740             | 02/25/2004  | Hiromi Uchiyama      | 127A 3490           | 2983             |
| 3713                   | 7590        | 03/29/2006           | EXAMINER            |                  |
| KODA & ANDROLIA        |             |                      | MICHALSKI, SEAN M   |                  |
| 2029 CENTURY PARK EAST |             |                      |                     |                  |
| SUITE 1140             |             |                      | ART UNIT            | PAPER NUMBER     |
| LOS ANGELES, CA 90067  |             |                      | 3725                |                  |

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                     |  |
|------------------------------|-------------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>        | <b>Applicant(s)</b> |  |
|                              | 10/786,740                    | UCHIYAMA, HIROMI    |  |
|                              | Examiner<br>Sean M. Michalski | Art Unit<br>3725    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,8 and 9 is/are rejected.  
 7) Claim(s) 7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 21. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 9 depending on (1-5) are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al. (USPN 6,769,179).

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4. Regarding claim 1, Satoh discloses an electric shaver (figure 1) comprising: a cutter frame (the generally triangular component in figure 1), an outer cutter provided in said cutter frame (1 figure 1), said outer cutter including a shaving surface having hair introduction openings (2 figure 2), a side wall formed in continuous to said shaving surface (figure 2(b)), and corner slits (2(a) figure 2) formed in said side wall so as to communicate with said hair introduction openings (seen in figure 5), and an inner cutter formed with a plurality of inner cutter bodies (figure 3) that make sliding contact with an inside surface of said shaving surface of said outer cutter (seen in figures 4 and 5); said electric shaver further comprising at least one upright member (22 figure 15) which is provided between said side wall and side end surfaces of said inner cutter bodies that face said side wall (in figure 14(b), 22 is located between a cutter body 3 and the side wall on the right), in an upright attitude in a direction substantially perpendicular to said shaving surface of said outer cutter (seen in figure 15(b)), said upright member being provided so that a tip end portion thereof can be caused to protrude further toward said shaving surface than end portions of said corner slits (this is seen by the position of 22 in figure 14(b) which is closer to the shaving surface than the end portions of the corner slits (2a)).

5. Claim 2 does not distinguish over or add further limitations to claim 1. The limitation of said upright member being provided on said outer cutter so that said tip end portion protrudes further toward said shaving surface than said end portions of said corner slits is already contained within claim 1, and is therefore anticipated by Satoh.

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6. Regarding claim 3, Satoh further discloses the electric shaver as discussed above, wherein said tip end portion of said upright member is in contact with said inside surface of said shaving surface of said outer cutter (24 figure 15(b)).

7. Regarding claim 4, Satoh further discloses the electric shaver according to claim 1, wherein said upright member is provided so that said tip end portion thereof said is positionally adjustable in a direction perpendicular to said shaving surface. Figure 16(b) demonstrates that the upright member 22 can be bent away from the shaving surface by a hair. This demonstrates that the upright member is positionally adjustable. This is also described in column 9 lines 10-25.

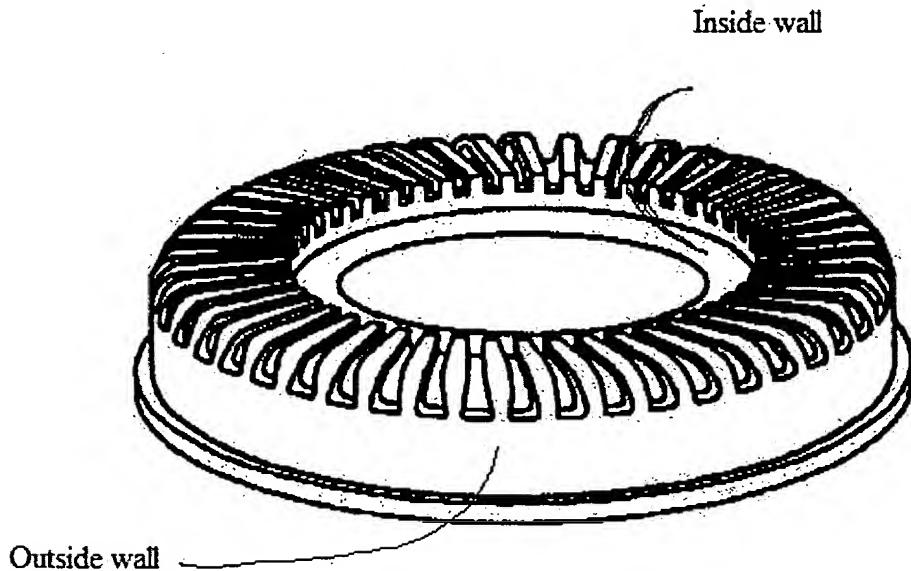
8. Regarding claim 5, Satoh further discloses the electric shaver according to claim 1, wherein said upright member is provided so as to be raised and lowered with respect to said outer cutter in a direction perpendicular to said shaving surface (as seen in figure 16(b)), and said upright member is provided so that said tip end portion of said upright member protrudes further toward said shaving surface than said end portions of said corner slits when said upright member is raised (as seen in figure 14(b) and previously discussed).

9. Regarding claim 8 depending on 4, 5, or 6, Satoh further discloses that the positional adjustment of said upright member is accomplished in steps. Step one as shown in figure 15(b) as 24 being flush with cutting surface 1, and step two as shown in figure 16(b) where 24 has been positionally adjusted away from 1.

10. Regarding claim 9 depending on 1-5, Satoh further discloses that said shaving surface be in ring form (seen in figure 2) that there be an outside wall contiguous with

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the outer circumference of said shaving surface, and an inner wall contiguous with an inner circumferential edge of said shaving surface (see figure below).



Satoh further discloses that upright members may be provided BOTH between said outside wall and inner cutter bodies and between said inside wall and said inner cutter bodies (both are shown in figure 14(a)).

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 6 and 9 depending on 6 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Satoh et al. in view of Tietjens et al. (USPN 3,913,225).

Satoh et al. teaches all the limitations of the claimed invention except for the limitation that said outer and inner cutters be disposed as to be raised and lowered with respect to said cutter frame.

Tietjens et al. teaches that outer and inner cutters be disposed to be raised and lowered with respect to the cutter frame. The outer cutter 2 is described as spring mounted and therefore able to be raised and lowered in column 6 lines 6-9. The inner cutters 5 are mounted on a separate spring and are also raised and lowered with respect to the cutter frame as described in column 5 lines 45-48.

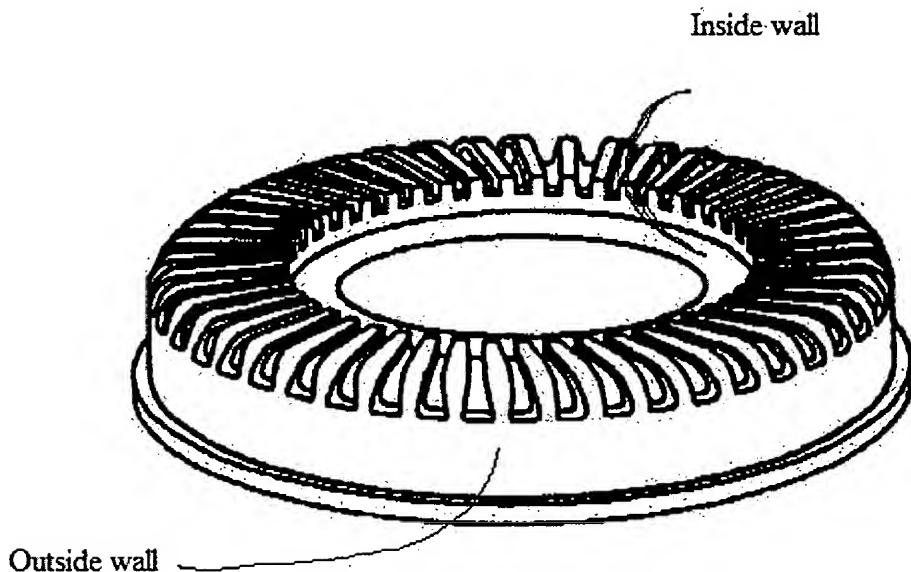
In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Satoh by making the inner and outer cutters movable as taught by Tietjens so the shaver would respond to shaving forces and provide a close shave.

14. Regarding claim 9 depending on 6, Satoh et al. in view of Tietjens et al. teaches all the limitations of the claimed invention except that that said shaving surface be in

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ring form; that there be an outside wall contiguous with the outer circumference of said shaving surface, and an inner wall contiguous with an inner circumferential edge of said shaving surface and upright members may be provided either between said outside wall and inner cutter bodies or between said inside wall and said inner cutter bodies.

Satoh further discloses that said shaving surface be in ring form (seen in figure 2) that there be an outside wall contiguous with the outer circumference of said shaving surface, and an inner wall contiguous with an inner circumferential edge of said shaving surface (see figure below).



Satoh further discloses that upright members may be provided BOTH between said outside wall and inner cutter bodies and between said inside wall and said inner cutter bodies (both are shown in figure 14(a)).

***Allowable Subject Matter***

15. Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is an examiner's statement of reasons for allowance: Claim 7 recites the limitation that said upright member be elastically connected to said outer member. While having concentric entities connected via an elastic member is well known, to combine that teaching with Satoh would destroy the primary reference, since the upright member in Satoh is rotating with the inner cutters and is not stationary with the outer cutters.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

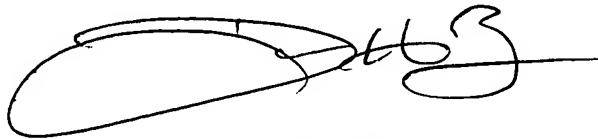
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMM



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